



CASE CLV-32582A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

HALL ET AL.

APPLICATION NO: 10/635,817

FILED: 08/06/03

FOR: CONTACT LENSES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application Numbers: 10/822,564, 10/762,039, 10/766,194** filed January 28, 2004. Said Application No. 10/822,564, 10/762,039, 10/766,194 is also assigned to Novartis AG by virtue of assignments which are being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application Numbers: 10/822,564, 10/762,039, 10/766,194 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the

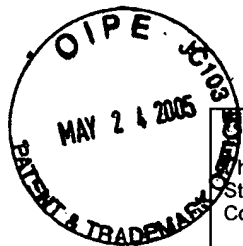
full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application Numbers: 10/822,564, 10/762,039, 10/766,194, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 13th day of May, 2005 by the undersigned attorney of record.

CIBA Vision Corporation  
Patent Department  
11460 Johns Creek Parkway  
Duluth, GA 30097-1556  
(678) 415-4691

  
\_\_\_\_\_  
Jian Zhou  
Agent for Applicants  
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Sara Carter  
Type or print name

*Sara Carter*  
Signature

May 13, 2005  
Date

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FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$130 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 50-2965 in the name of Ciba Vision. An additional copy of this paper is here enclosed.

Respectfully submitted,

*Jian Zhou*

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Date:

*May 13, 2005*